

Existing law provides for the licensing and regulation of charitable bingo, keno, and raffles.

New law abolishes the division of charitable gaming control, office of state police, DPS&C, and transfers its powers, duties, functions, and responsibilities, programs, and operations to the office of charitable gaming, Dept. of Revenue. Requires the transfer be completed not later than Jan. 1, 2000 provided sufficient money is appropriated to the Dept. of Revenue to pay the cost of such transfer. Specifically includes all administrative rules regulating charitable gaming in that transfer. Provides that transferred employees shall continue to perform the same function insofar as practicable.

New law re-creates the provisions of Charitable Raffles, Bingo and Keno Licensing Law within Title 4 that are presently contained in Titles 33 and 40.

New law additionally makes the following substantive changes to prior law :

- (1) Provides that the charitable gaming license shall be effective for one year.
- (2) Provides for conducting a second progressive bingo game.
- (3) Provides for the accumulation of a separate backup jackpot for each of the two progressive games respectively.
- (4) Provides that any member of a licensed charity may participate in the games.
- (5) Adds a bingo caller as a type of employee which may be hired to conduct charitable games.
- (6) Provides that consent agreements or other agreements with the office by which a license applicant is bound by certain rules, mandates, or other restrictions as a condition for licensing shall be absolutely null, except those executed as a result of a notice of violation.
- (7) Provides that all rules and regulations by the office shall be adopted pursuant to specific and express statutory authorization, and shall require the affirmative approval of the legislative oversight committees provided in the Administrative Procedure Act. Provides that no rule or regulation shall be adopted to any implied statutory authorization.
- (8) Provides that all appeals from an administrative proceeding involving a charitable gaming organization shall be filed in the district court of the parish of the domicile of the licensee or applicant within 60 days of the mailing of the notice of the adverse decision.
- (9) Provides that the appeal shall be a trial de novo (a new trial from the beginning, and not a judicial review of the record of prior proceedings) and shall be conducted by summary procedure.
- (10) Provides that evidence of warnings issued by the division to a charitable organization on matters which are not the subject of the administrative proceeding under review shall not be admissible in the trial de novo.
- (11) Changes the length of a bingo session from four hours to two hours.

- (12) Amends the definition of pull-tabs to provide that any revenue derived from the sale of pull-tabs during authorized charitable gaming sessions be exempt from state income taxation and federal income taxation to the extent allowable under the Internal Revenue Code.
- (13) Provides that nothing in existing law shall prohibit a charitable organization from contributing to a qualified association of licensed charitable organizations. Such an association shall not be subject to audit by the division except as otherwise provided by law.
- (14) Defines a qualified association of licensees as an association which has existed for one year, has at least ten licensed charitable organizations as member organizations, and whose member organizations have contributed an average of \$300 per member organization in annual dues.
- (15) Provides that no governing authority of any municipality or parish shall require by ordinance, rule, or regulation, that as a condition for granting a charitable gaming license, a charitable organization must be domiciled in that parish or municipality.
- (16) Provides that the rate of compensation for employees shall be no more than \$10 per hour and shall not exceed \$50 per session for any employee and increases the number of employees to 15.
- (17) Provides that no person under the age of 18 shall assist in the holding, operation, or conducting of electronic or video bingo games.
- (18) Provides that bona fide conservation organization may conduct raffles as a means of fund raising.

New law defines "Electronic Bingo Card Dabber Device", or "Electronic Dabber Device", or "EBCDD" as an electronic device used by a bingo player to monitor bingo cards purchased and electronically mark bingo cards downloaded in the database of the device, at the time and place of the licensed charitable bingo session. New law further provides that any orders or consent agreements entered into by the division of charitable gaming control, office of state police, pertaining to electronic dabber card devices to remain in effect until January 1, 2000.

New law requires the Dept. of Revenue to direct any indication of commission of a Title 14 crime to the DPS&C for investigation and disposition.

New law provides that the transfer of the powers, duties, functions, responsibilities, programs, and operations of the office of state police, Department of Public Safety and Corrections, to the office of charitable gaming, Department of Revenue shall be completed not later than January 1, 2000.

Existing law provides that the venue for judicial review or appeal from any administrative proceeding involving a charitable gaming licensee or license applicant shall be the domicile of the licensee or applicant.

New law retains the provisions of existing law and further provides that the venue for a petition for a stay or other injunctive relief shall also be the domicile of the licensee or applicant.

Existing law provides for prohibited combinations of interests for officers, directors, manufacturers, distributors, certain shareholders, and others who conduct charitable gaming activities.

New law retains the provisions of existing law and further provides that commercial lessors or members of their immediate family shall not:

- (1) Have a direct or indirect financial interest in any entity which manufactures or distributes supplies or equipment for charitable games of chance; or
- (2) Serve as a proprietor, employee, officer, director, shareholder, or owner of more than 2% ownership interest, of any entity which manufactures or distributes supplies or equipment for charitable games of chance.

New law provides that no person licensed as a commercial lessor or his spouse shall:

- (1) Serve as an officer or director of any charitable organization which rents, leases, or uses the commercial premises for conducting games of chance; or
- (2) Hold, operate, conduct, or assist in the holding, operating, or conducting of a charitable game of chance at the commercial premises.

New law defines "immediate family" as the subject individual's children, the spouses of his children, brothers, sisters, parents, spouse, and the parents of his spouse.

Effective upon signature of governor (June 30, 1999).

(Amends R.S. 36:401(B)(1) and 451(B) and (C) and R.S. 49:968(B)(10); Adds R.S. 36:454(C), 458(G), 459(G), and 921(D), R.S. 49:653 and 654, and R.S. 4:701-739; Repeals R.S. 33:4861.1-4861.28 and R.S. 40:1485.1-1485.11)